

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NICOLE PAYNE
PLAINTIFF,

v.

PROGRESSIVE FINANCIAL SERVICES,
INC.,
DEFENDANT.

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Cause No. 4:12-CV-00432

**DEFENDANT PROGRESSIVE FINANCIAL SERVICES, INC.'S MOTION TO
COMPEL DISCOVERY**

COMES NOW, Progressive Financial Services, Inc. ("Progressive"), Defendant herein, through counsel of record, and files its Motion to Compel Discovery and shows unto the Court as follows:

1. Progressive received Plaintiff's initial discovery responses on November 13, 2012. Progressive's counsel and Plaintiff's counsel attempted to resolve discovery disputes regarding the responses.

2. The unresolved discovery disputes are addressed in Progressive's Brief and Appendix in support of its Motion to Compel, filed according to Local Rule 7.1.

WHEREFORE, PREMISES CONSIDERED, Defendant Progressive Financial Services, Inc., respectfully requests this Motion be granted in its entirety and for such other relief, whether at law or in equity, to which Defendant may show itself justly entitled.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted,

ROBBIE MALONE, PLLC

/s/ Xerxes Martin
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COUNSEL FOR DEFENDANT

CERTIFICATE OF CONFERENCE

This is to certify that Progressive's counsel Xerxes Martin has conferred with Plaintiff's counsel Noah Radbil in December and January on the matters based herein. Parties attempted to resolve the matters but were unable to reach a resolution. This motion is being submitted to the court for consideration.

/s/ Xerxes Martin
XERXES MARTIN

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via ECF on this 29th day of January, 2013 to:

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/s/ Xerxes Martin
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